

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

v.

FRANCIS FORD

Defendant.

UNDER SEAL

Case No. 1:22-mj-338

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT AND ARREST WARRANT

I, William C. Beechum, being first duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since 2010. As such, I am an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. §§ 1951 and 924(c).

2. During my employment as an FBI Special Agent, I have been assigned to investigate, and have training and experience in investigating, violations of federal law, to include violent criminal activity and crimes against persons and property, and domestic and international terrorism. I am currently assigned to the Washington Field Office, Northern Virginia Violent Crimes Task Force.

3. I submit this affidavit in support of a criminal complaint charging FRANCIS FORD with obstructing, delaying, or affecting commerce or the movement of any article or commodity in commerce, by robbery, in violation of 18 U.S.C. § 1951.

4. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during the course of this investigation, as well as information and evidence obtained from other agents involved in this investigation. All observations I did not personally make were relayed to me by the individuals who made them, or come from my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause, and it is not intended to include each, and every fact and matter observed by me or known to the government.

FACTUAL BASIS SUPPORTING PROBABLE CAUSE

5. The FBI and local law enforcement agencies have been investigating a series of armed robberies of commercial establishments that occurred from January 24, 2021, through March 13, 2021. During this time period, at least four commercial establishments in the Eastern District of Virginia and three commercial establishments in the District of Maryland were robbed or attempted to be robbed at gunpoint by one or two suspects.

6. Through a variety of investigatory means, law enforcement determined that one of the robbery suspects was Jon Karl McRee Fleet (“Fleet”). On October 19, 2021, Fleet pled guilty to two counts of using, carrying, and brandishing a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(ii) and 2. In connection with his guilty plea, as further detailed below, Fleet admitted to a series of facts contained in a Statement of Facts. On November 19, 2021, Fleet was interviewed by law enforcement. On February 15, 2022, Fleet was sentenced to 17 years in prison.

7. For the reasons set forth below, investigators believe that the second suspect who participated in at least one attempted robbery and in two completed robberies—including one in the Eastern District of Virginia—was FRANCIS FORD (“FORD”).

A. The Armed Robbery of Subway in Maryland.

8. On or about February 21, 2021, at approximately 7:31 p.m., officers with the Prince George’s County Police Department (“Prince George’s County PD”) responded to an armed robbery report at a Subway restaurant located at 10428 Campus Way South, in Largo, Maryland. At the time, Subway was engaged in commercial activity and the robbery affected interstate commerce. As shown on a surveillance video taken from inside the restaurant, the suspect approached an employee who was behind the counter, brandished a firearm, and demanded that the cash register be opened. The victim complied, and the suspect stole approximately \$500. The suspect then fled the restaurant on foot. Surveillance footage shows the suspect pointing a rifle with a brown stock at the victim and then climbing behind the counter while the victim opened the register.

9. During a canvass following the robbery, Prince George’s County Police Detectives recovered and viewed video surveillance from surrounding businesses. The videos show that the suspect arrived at the restaurant’s parking lot and then left the scene in a dark-colored Chevrolet Malibu Maxx. After the robbery, the vehicle, which was being driven by a second suspect, pulled around to meet the suspect, who entered the vehicle on the passenger side.

10. In the Statement of Facts filed with his guilty plea, Fleet admitted that he was the individual who robbed Subway. Fleet also admitted that he was the owner of the Chevrolet Malibu Maxx pictured in the surveillance video.

11. In an interview with law enforcement, which took place after he pled guilty, Fleet also admitted that his getaway driver from the scene of the robbery was FORD. According to Fleet, FORD knew of Fleet's plan to rob Subway beforehand, and Fleet and FORD split the proceeds of the robbery evenly amongst themselves.

B. The Armed Robbery of Papa John's in the Eastern District of Virginia

12. On or about February 23, 2021, at approximately 11:34 p.m., officers with the Fairfax County Police Department ("Fairfax County PD") responded to an armed robbery report at a Papa John's restaurant located at 5860 Columbia Pike, in Falls Church, Virginia, within the Eastern District of Virginia. At the time, Papa John's was engaged in commercial activity and the robbery affected interstate commerce. As surveillance video from Papa John's shows, two suspects entered the restaurant together and approached an employee. At that time, one of them ("Suspect 1") brandished a firearm while he demanded that the cash register be opened. The other suspect ("Suspect 2") momentarily reached into his waistband but did not produce a weapon. According to the victim employee, Suspect 2 indicated that he had a weapon. Suspect 1 then walked around the counter and tried unsuccessfully to open the cash register for several seconds. Suspect 1 then had an employee walk him and Suspect 2 to the back of the restaurant, where the employee produced a bag containing cash. The suspects took the bag, which contained approximately \$187 in U.S. currency, and fled the restaurant by foot. Suspect 2 was described by the robbery victims as being a Black male who was approximately 5'4" tall. On the surveillance video, Suspect 2 appears to be significantly shorter than Suspect 1.

13. In the Statement of Facts filed with his guilty plea, Fleet admitted that he was Suspect 1. During the aforementioned interview with law enforcement, Fleet revealed that

Suspect 2 is FORD. According to Fleet, he and FORD split the proceeds of the robbery amongst themselves.

14. Based on Your Affiant's review of law enforcement databases, FORD is a 53-year-old Black male who is approximately 5'3". This matches the appearance of Suspect 2 as described by the victim and as seen in the surveillance video of the robbery, in which Suspect 2 appears to be significantly shorter than Fleet, who is approximately 6'2".

C. Attempted Armed Robbery of Marathon Gas Station in Maryland

15. On March 7, 2021, at approximately 3:13 p.m., officers from the Prince George's County PD responded to an armed robbery report at the Marathon Gas Station located at 8405 Westphalia Road, in Upper Marlboro, Maryland. According to that investigation, a suspect entered the store and brandished a sawed-off shotgun that had distinctive blue tape wrapped around the foregrip of the firearm. The subject then demanded that the store clerk open the cash register and give him all the money inside it. The victim immediately grabbed his phone to call the police, and the suspect fled the location. The suspect was described as a middle-aged Black man wearing a gray winter skull cap, a black mask, a black hoodie sweatshirt, and jeans with a hole in the left rear calf. Surveillance footage shows that the suspect's height is similar to that of FORD. Surveillance footage also shows the suspect pointing a brown sawed-off shotgun with distinctive blue tape.

16. During the aforementioned interview with law enforcement, Fleet stated that it was FORD who attempted to rob the Marathon Gas Station. Specifically, Fleet stated that he and FORD used to frequent the vicinity of the gas station (near the intersection of Westphalia Road and Flowers Road) to consume drugs together. According to Fleet, on March 7, 2021, he and FORD were hanging out near Flowers Road in Fleet's Chevrolet Malibu Maxx when FORD left

the vehicle on foot, only to come back minutes later. Upon FORD's return, FORD told Fleet that he had just tried to rob the Marathon Gas Station. According to Fleet, FORD had taken with him a sawed-off shotgun with distinctive blue tape. Fleet admitted that the shotgun belonged to him (Fleet) and had been located in Fleet's car. Ford knew that the shotgun was in Fleet's car and took it into the Marathon Gas Station. Further, Fleet previously had used the same shotgun in another robbery. According to Fleet, Fleet and FORD modified the shotgun together by cutting it, and FORD wrapped blue tape around it some time before the attempted robbery of the Marathon Gas Station. Fleet also stated that FORD acquired ammunition for the shotgun after it was modified.

D. Recovery of Fleet's Chevrolet Malibu Maxx Leads to DNA Link Between Shotgun Shells and FORD

17. On March 14, 2021, an informational message was put out to officers in the Prince George's County PD for Fleet's dark colored Chevrolet Malibu Maxx that had been seen in surveillance videos (both in those described above as well as in robberies not described herein). On that same date, at approximately 11:07 a.m., a detective with the Prince George's County PD observed a 2007 blue Chevrolet Malibu Maxx bearing Maryland temporary registration T0272421 driving in the area of Indian Head Highway, in Prince George's County, Maryland. Officers attempted to conduct a traffic stop on this vehicle, but the vehicle fled and the officers ended their pursuit.

18. Later that same day, at approximately 3:08 p.m., officers with the Prince George's County PD responded to a report of a vehicle accident at 10412 Livingston Road, in Fort Washington, Maryland. When they arrived at the scene, the officers observed a 2007 blue Chevrolet Malibu Maxx bearing Maryland temporary registration T0272421—the same vehicle that officers had attempted to pull over earlier that day. The vehicle was unoccupied and

overturned in the woods. On the ground near the vehicle, officers observed a sawed-off shotgun with distinctive blue tape on the foregrip that looked like the one that had been used in the attempted robbery of the Marathon Gas Station. The vehicle was impounded and transported to the Prince George's County Evidence Facility for further processing.

19. Fleet has admitted that the blue 2007 Chevrolet Malibu Maxx bearing Maryland registration TO272421 was his vehicle, that he had been driving the vehicle with an associate on March 14, 2021, when law enforcement attempted to conduct a traffic stop, and that he crashed the vehicle in the woods. Fleet further admitted that FORD picked him and his associate up from the scene of the car crash.

20. On March 17, 2021, Prince George's County detectives executed a court-ordered search and seizure warrant on the blue 2007 Chevrolet Malibu Maxx bearing Maryland registration TO272421. During the search of the vehicle, officers located and recovered two cell phones belonging to Fleet, as well as clothing items and documents linking the car to Fleet. Also found inside the vehicle was a bag of shotgun shells that were the same size as those used in the shotgun that was recovered.

21. Several of the items recovered from the Chevrolet Malibu Maxx pursuant to a search warrant were swabbed for DNA testing by the FBI Laboratory at Quantico. Among those items were the shotgun shells. Specifically, the lab tested two swabs from the shotgun shells and obtained male DNA that the lab concluded originated from one individual. A search of the FBI's Combined DNA Index System database indicated a possible association between the shotgun shell swabs and FORD.

E. Phone Evidence Linking FORD to Fleet

22. On or about April 22, 2021, Fleet was arrested in Washington, D.C. on an outstanding warrant issued in Fairfax County and was taken into custody.

23. At the time of FLEET's arrest on April 22, 2021, law enforcement officers conducted a search incident to arrest and seized a silver LG cellular phone bearing IMEI number 353889-80-262260-4 from Fleet's person. On April 23, 2021, detectives with Fairfax County PD obtained a court-ordered search and seizure warrant on phone.

24. Through open-source databases, law enforcement identified two phone numbers associated with FORD during the time frame of the relevant robberies between January through March 2021. One of those phone numbers is (301) 364-6429 (the "6429 Number"). Subscriber records obtained by the FBI pursuant to a Court order under 18 U.S.C. § 2703(d) (1:21-ec-1463) from T-Mobile for the 6429 Number identify the registered account holder as FORD, with an activation date of January 4, 2021.

25. Moreover, the aforementioned cell phone bearing IMEI number 353889-80-262260-4, which was recovered from Fleet incident to his arrest and searched pursuant to a search warrant obtained by the Fairfax County PD, lists the 6429 Number in the phone's contacts as "Francis." "Francis" is FORD's first name.

26. Additionally, call detail records obtained by law enforcement in connection with a phone number associated with Fleet ((240) 877-3700) show that Fleet's phone number and the 6429 Number communicated regularly between January and March 2021.

27. In September 2022, the FBI obtained via a search warrant (1:21-sw-643) phone provider records associated with the 6429 Number, including cell tower activations. Cell tower activations for March 14, 2021—the day that Fleet crashed his vehicle in the woods—show that

at approximately 12:00 p.m. on March 14, 2021—that is, less than an hour after law enforcement officers attempted to conduct the traffic stop—FORD’s phone number activated cell towers on the drive to and in the vicinity of where the vehicle was found overturned in the woods.

F. Law Enforcement Interview of FORD

28. On or about July 11, 202, law enforcement officers conducted a consensual interview with FORD outside a bank in Forestville, Maryland. Initially, FORD denied having committed any robberies with Fleet and stated that he merely drove Fleet places. When the officers confronted FORD with some of their evidence, FORD admitted that he robbed the Papa John’s restaurant as well as the Marathon Gas Station. FORD recognized himself in photographs that the officers showed him taken from surveillance video from Papa John’s. FORD also admitted that Fleet and an associate called him (FORD) on March 14, 2021, so that he could pick up Fleet and the associate from the scene of car wreck.

CONCLUSION

29. Based on the foregoing facts, I submit that probable cause exists to believe that on February 23, 2021, in the Eastern District of Virginia, FORD obstructed, delayed, or affected commerce or the movement of any article or commodity in commerce, by robbery, in violation of 18 U.S.C. § 1951.



William Beechum
Special Agent
Federal Bureau of Investigation

Attested to by the application accordance with the requirements of Fed. R. Crim. P. 4.1 via telephone this 12th day of December, 2022.



Digitally signed by Ivan Davis
Date: 2022.12.12 12:48:34
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The Honorable Ivan D. Davis
United States Magistrate Judge